

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

GREGORY ALAN CAUDLE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:20-cv-00078-JPH-DLP
	)	
RICHARD BROWN Warden of Wabash Valley	)	
Correctional Facility, et al.	)	
	)	
Defendants.	)	

**Order Dismissing Action, Assessing Strike, and  
Directing Entry of Final Judgment**

In its May 1, 2020, Order, the Court dismissed Plaintiff Gregory Caudle's complaint for failure to state a claim upon which relief can be granted. *See* 28 U.S.C. § 1915A(b). Dkt. 8. The Court gave Mr. Caudle through June 1, 2020, to file an amended complaint which cures the deficiencies discussed in the screening order. *Id.* Mr. Caudle filed an amended complaint, dkt. 9, on May 20, 2020, and then filed a motion for leave to file a supplement to the amended complaint, dkt. 10, on July 23, 2020. Mr. Caudle's motion for leave to file a supplement to the amended complaint, dkt. [10], is **granted** to the extent that the Court has reviewed both the amended complaint and the supplement.

The amended complaint and supplement have the same deficiencies that were identified in the original complaint. Mr. Caudle alleges that the defendants have falsely imprisoned him by miscalculating his jail time credit and erroneously ordering certain state convictions to be served consecutively. As the Court explained in its screening order, an action that challenges the fact or length of a person's confinement is properly brought in a habeas corpus petition, while a claim that challenges the conditions of confinement is properly brought in an action under 42 U.S.C. § 1983.

Further, because Mr. Caudle's complaints rest exclusively on the interpretation of Indiana state law rather than any federal constitutional error, any potential relief must be obtained through a state court proceeding. *See Wells v. Caudill*, --- F.3d---, 2020 WL 4198135, \*3 (7th Cir. July 22, 2020) ("If while in prison [the plaintiff] had sought relief from a federal court on the ground that state officials had miscalculated his sentences' ending date, he would have been told to go to state court, for federal collateral relief cannot be used to fix errors of state law.").

Mr. Caudle again alleges that the defendants violated his right to due process by taking away his credit time after he concededly broke various prison rules. As explained before, Mr. Caudle cannot bring an action under § 1983 for this claim unless his disciplinary convictions have been vacated. *Heck v. Humphrey*, 512 U.S. 477, 489 (1994).

For these reasons and the reasons explained in greater detail in the screening order of May 1, 2020, this action must be **dismissed for failure to state a claim upon which relief can be granted**. 28 U.S.C. § 1915A(b).

Because the complaint has been dismissed for failure to state a claim, Mr. Caudle is assessed a strike. Mr. Caudle has received at least two other strikes in the Southern District of Indiana: *Caudle v. Marion Co. Prosecutor*, case number 2:15-cv-00122-WTL-WGH, dismissed on July 20, 2015, and *Caudle v. Lemmon*, case number 2:18-cv-00265-WTL-MJD, dismissed on July 12, 2018.

Because he has received at least three strikes, Mr. Caudle will not be permitted to proceed *in forma pauperis* in future litigation unless he is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g). Mr. Caudle is specifically **notified** pursuant to *Sloan v. Lesza*, 181 F.3d 857, 859 (7th Cir. 1999), that if he files another action without prepayment of the entire filing fee and

seeks to proceed *in forma pauperis*, those circumstances will require the immediate termination of any such new action.

Judgment consistent with this Order shall now issue.

**SO ORDERED.**

Date: 8/20/2020



James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

Distribution:

GREGORY ALAN CAUDLE  
900165  
WABASH VALLEY - CF  
WABASH VALLEY CORRECTIONAL FACILITY - Inmate Mail/Parcels  
6908 S. Old US Hwy 41  
P.O. Box 1111  
CARLISLE, IN 47838